

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE, YANKTON
SIOUX TRIBE; ROBERT FLYING HAWK;
OGLALA SIOUX TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE; SARA
JUMPING EAGLE ET AL.,

Plaintiff-Intervenors,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-Cross
Claimant.

Case No. 1:16-cv-1534-JEB
(and Consolidated Case Nos. 16-cv-
1796 and 17-cv-267)

**INTERVENOR DEFENDANT DAKOTA ACCESS, LLC'S
MOTION TO EXTEND STAY OF RESOLUTION OF MOTION TO COMPEL
PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

In accordance with the Court's September 23, 2019 Minute Order, Intervenor Defendant Dakota Access, LLC ("Dakota Access") respectfully moves the Court to extend the stay of resolution of Dakota Access's Motion to Compel Prompt Completion of the Administrative Record ("Motion to Compel"), D.E. 216, while Dakota Access continues to pursue the outstanding records through other means. The Minute Order requires Dakota Access to "update the Court" on or before October 23, 2019. Dakota Access continues to pursue many of the relevant records through a Freedom of Information Act ("FOIA") request to the Department of Justice ("DOJ"), Department

of the Army (the “Army”), Department of Interior (“DOI”), and Council for Environmental Quality (“CEQ”). However, Dakota Access’s FOIA request to each is still in process. Since Dakota Access last updated the Court, the three agencies from which Dakota Access has received no documents have advised that they are still working on the request. DOJ reports that it is still searching for documents, CEQ states it is in the final review of 160 potentially responsive documents, and DOI says it will soon begin rolling productions of 500 documents per month. And, as noted previously, the fourth agency (the Army) has made a deficient production consisting solely of the original administrative record in this matter. Dakota Access appealed the Army’s response through the agency’s administrative process, and that appeal is pending. Accordingly, Dakota Access respectfully requests that the Court further stay consideration of its Motion to Compel to allow time for processing Dakota Access’s FOIA request.

CONCLUSION

For the foregoing reasons, Dakota Access respectfully requests that the Court grant its motion to extend the stay of resolution of its Motion to Compel.

Dated: October 23, 2019

Respectfully submitted,

/s/ William S. Scherman

William S. Scherman

David Debold

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

(202) 955-8500

wscherman@gibsondunn.com

Counsel for Dakota Access, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2019, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

/s/ William S. Scherman

William S. Scherman
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 955-8500
wscherman@gibsondunn.com

Counsel for Dakota Access, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE;
YANKTON SIOUX TRIBE; ROBERT
FLYING HAWK; OGLALA SIOUX
TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE,

Intervenor Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant,

and

DAKOTA ACCESS, LLC,

Intervenor Defendant.

Case No. 1:16-cv-01534-JEB
[Consolidated with Case
Nos. 1:16-cv-1796 and 1:17-cv-267]

**[PROPOSED] ORDER GRANTING INTERVENOR DEFENDANT
DAKOTA ACCESS, LLC'S MOTION TO EXTEND STAY OF RESOLUTION OF
MOTION TO COMPEL PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

The Court orders that Intervenor Defendant Dakota Access, LLC's Motion to Extend Stay of Resolution of its Motion to Compel Prompt Completion of the Administrative Record ("Motion") is GRANTED.

Dakota Access, LLC shall update the Court by November 25, 2019 whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it.

SO ORDERED this ___ day of ____, 2019.

The Honorable James E. Boasberg
United States District Judge